

ESTTA Tracking number: **ESTTA388894**

Filing date: **01/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052910
Party	Defendant Thomas R. Adams dba WMLS International
Correspondence Address	THOMAS R ADAMS DBA WMLS INTERNATIONAL 5858 ENGINEER DRIVE HUNTINGTON BEACH, CA 92649 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Morland C. Fischer
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Signature	/Morland C. Fischer/
Date	01/18/2011
Attachments	TTAB.Motion to Set Aside Not of Default.TIO-53.pdf (3 pages)(474409 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Major League Softball, Inc.)	Cancellation No. 92052910
)	
Petitioner,)	Registration No. 3,697,345
)	
v.)	Mark: WMLS WOMEN'S MAJOR
)	LEAGUE SOFTBALL
Thomas R. Adams, dba)	INTERNATIONAL (plus design)
WMLS International)	
)	
Registrant.)	
)	

**MOTION TO SET ASIDE NOTICE OF DEFAULT
AND ORDER CANCELLING REGISTRATION**

Assistant Commissioner for Trademarks
Box TTAB
P. O. Box 1451
Alexandria, VA 22313-1451

Sir:

This Motion is filed by the undersigned, Morland C. Fischer, who is the attorney of record for Thomas R. Adams, the Registrant, in the above-identified cancellation action. At all times during the prosecution of the application which matured into Registration No. 3,697,345 the address of the undersigned attorney has been listed as the correspondence address for communications with the Patent and Trademark Office.

A Notice of Trial Dates and Answer Due following the filing of a Petition for Cancellation was mailed by the TTAB on August 19, 2010; a Notice of Default was mailed on November 4, 2010; the Board's Decision was mailed on December 21, 2010; and the Commissioner's Order Cancelling Registration No. 3,697,345 was mailed on January 5, 2011.

However, none of these communications was addressed to or received by the undersigned attorney. In particular, it appears that all of the aforementioned communications were directed to the registrant himself as opposed to the registrant's attorney who was designated as the representative of the registrant to whom communications concerning his Registration No. 3,697,345 were to be mailed.

Accordingly, the undersigned attorney requests that the Notice of Default and Order of Cancellation pursuant to Section 18 of the Trademark Act be set aside so that he will have an opportunity to answer the Petition for Cancellation on behalf of the registrant. A favorable action on this Motion is therefore respectfully requested.

Please charge any fee due for making this Motion to Deposit Account No. 08-1310.

Respectfully submitted,

/Morland C. Fischer/

/January 18, 2011/

Morland C. Fischer
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Irvine, California 92614
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morlandf@earthlink.net

Dated

PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to this within action; my business address is Law Offices of Morland C. Fischer, 2030 Main Street, Suite 1300, Irvine, California 92614. On January 18, 2011, the attached Motion to Set Aside Notice of Default and Order Cancelling Registration was served on all interested parties in this action by U. S. Mail, postage prepaid, at the address(es) as follows:

Michael E. Dockins
Fraser Clemens Martin & Miller
28366 Kensington Lane
Perrysburg, Ohio 43551-4163

Executed on January 18, 2011 at Irvine, California. I declare under penalty of perjury that the above is true and correct.

Paulette A. Fritz